

FILED
COURT OF APPEALS
DIVISION II
2015 DEC 10^{AP} AM 2:03
STATE OF WASHINGTON
BY AP
DEPUTY

WASHINGTON STATE COURT OF APPEALS

DIVISION II

NO.47584-7-II

THE DRAGICH LIVING TRUST
dated October 14 1997

RESPONDENT

STEVE J. DRAGICH

APPELLANT

BRIEF OF APPELLANT

STEVE J. DRAGICH PRO-SE
954 FALL CREEK RD
LONGVIEW, WA 98632-9741
360-425-4786

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RCW64.12.030: Injury to or removing trees, etc-Damages.	
RCW11.106.020: Trustee's annual statement.	
RCW11.106.040: Petition for statement of account.	

I. INTRODUCTION

On September 20th, 2013 a judgment and order was entered against Mr. Dragich for \$168,068.44 in Cowlitz County Superior Court by Court Commissioner David Nelson. On February 10, 2014 an order for authority to sell Mr. Dragich's trust assets to satisfy the judgment was entered by Commissioner Nelson.

II. ASSIGNMENT OF ERRORS

Issues For Item 1.

The lower court refused Mr. Dragich a full accounting of the trust in entering judgment orders and orders for authority to sell the trust assets of Mr. Dragich to satisfy the principal judgment amount of \$168,068.44 against Mr. Dragich.

Issues For Item 2.

The lower court repeatedly denied the subpoenas and petitions of Mr. Dragich for trust documents so as to provide him an accounting of the trust.

Issues For Item 3.

The lower court ordered Mr. Dragich's real property deed as conveyed to Mr. Dragich by the trust officers and attorney to be destroyed as the court ordered the real property deed to be invalid.

Issues For Item 4.

The lower court caused additional loss to Mr. Dragich in not following it's order instructions.

III STATEMENT OF THE CASE

1.Accounting.

Prior to the lower court entering judgment orders and authority to sell Mr. Dragich's assets. Mr. Dragich presented the court the trust accounting records that were available to him. The records showed a total of \$199,274.35 in liquid trust assets under the control of the trust. CP at 4-18, Cpat 69-71. The lower court entered a principal judgment order against Mr. Dragich for the amount of \$168,068.44. CP-1. The lower court entered an order for authority to sell Mr. Dragich's trust assets to satisfy the judgment order. CP at 19-21. The lower court entered an order on hearing date February 26, 2015 where a handwritten account listed the trust assets to date that were accounted for.

2. Denial of Documents.

Mr. Dragich repeatedly filed petitions, motions, and subpoenas for trust documents for accounting purposes. The lower court

repeatedly denied Mr. Dragich's requests for these documents.CP at 28-32,CP at 43-45.RCW11.106.040:Petition for statement of account.RCW11.106.020:Trustee's annual statement. In exparte, subpoena,11/17/2014,subpoena in a civil case. A lower court commissioner first approved two of Mr. Dragich's subpoenas for trust documents then reversed and denied the subpoenas.CP at 56, CP at 81-87.

3.Court Invalidation of Real Property Deed.

The lower court ordered Mr. Dragich's real property deed as conveyed to Mr. Dragich by the trust officers and attorney to be destroyed as invalid.CP at 96-97.Mr.Dragich objected to his real property deed being destroyed and declared invalid by the court. CP at 90.Mr.Dragich objected to his real property deed being declared invalid in memorandum of law.CPat75-80. Mr.Dragich made further reference in objecting to the invalidation of his trust real property deed and that it was valid and effective .CP at 103.

4.Additional Loss.

The lower Court caused added loss to Mr.Dragich by not following it's own order.The respondent selling more assets to settle the court's principal judgment and order amount of \$168,068.44.CP at 73.No.5.

The excess asset amount sold by the respondent was in the amount of \$123,605.10. CP at 108.No.1.

IV ARGUMENT

Mr. Dragich was denied a full accounting as a member of the respondents trust. The accounting documents that were available to him indicated trust liquid assets of \$199,274.35 under control of trust officers.CP at 4-18,CP at 69-71.Orders for judgment and authority to sell Mr. Dragich's trust assets were entered by the lower court for a principal amount of \$168,068.49.CP at 1.

The excess of Mr. Dragich's trust assets sold by the respondent was in the amount of \$123,605.10. CP at 108. No 1. This excess of Mr.Dragich's trust assets sold contradicted the court order instructions to limit the sale of Mr.Dragich's trust assets to cover only the courts judgment orders.CP at 73.No.5. Mr. Dragich was repeatedly denied trust documents when the lower court denied his petitions,motions,and subpoenas for the purposes of trust accounting.CP at 28-32. CP at 43-45,CPat56,CP at 81-87.

Mr. Dragich's real property deed was declared invalid by the lower court and then destroyed.The real property deed was prepared and conveyed to Mr. Dragich by the trust officers and attorney.Then

was signed, and accepted by Mr. Dragich for recording. CP at 75-80, CP at 90. After the lower courts invalidation of Mr. Dragich's deed the respondent was then able to proceed with the sale of Mr. Dragich's trust assets. The lower court then had the deed and property tax affidavits destroyed. Mr. Dragich was caused additional loss by the respondents sale of excess assets above the lower courts order and direction to log only so much of Mr. Dragich's property(assets) to satisfy the court judgment. CP at 73.No.5. This excess amount of Mr. Dragich's assets was \$123,605.10. CP at 108.No.1.

VI. CONCLUSION

The lower court failed to provide Mr. Dragich a full accounting as a member of the trust before entering judgment orders and authorities to sell Mr. Dragich's trust assets. The lower court repeatedly denied the petitions, motions and subpoenas of Mr. Dragich to obtain trust documents to have a trust accounting as one of its trustees. The lower court declared the real trust property deed along with property tax affidavits conveyed by trust officers and trust attorney that were accepted and signed by Mr. Dragich for recording as invalid and to be destroyed by the lower court. The invalidation of Mr. Dragich's trust real property

deed by the lower court permitted the respondent to proceed with the sale of Mr.Dragich's portion of trust assets.With the lower courts denial to Mr. Dragich's of trust documents for a trust accounting.And the lower courts ordered sale of Mr.Dragich's trust assets in the court ordered judgment.The timbered assets ordered sold in excess of the court ordered sale are now irreplaceable to Mr. Dragich.The appellant requests judgment for damages on the excess amount of the lower courts judgment and order against Mr.Dragich.The excess amount of \$123,605.10.CP at 108.No.1.RCW64.12.030. Injury to or removing trees.etc.Damages. The appellant would also request that a change of venue be made with the lower court in view of the lower courts denial of basic discovery requests.

Dated: 12/ 10 /2015

Respectfully Submitted.

By: Steve J. Dragich

Steve J. Dragich Pro-Se

954 Fall Creek Rd

Longview, WA 98632-9741

360-425-4786

WASHINGTON STATE COURT OF APPEALS DIVISION II

THE DRAGICH LIVING TRUST
dated October 14 1997

Respondent

v.

STEVE J. DRAGICH

Appellant

No.47584-7 -II
CERTIFICATE OF SERVICE

Served on 12/10/2015 at 4:06 AM I declare under the laws of the State of
Washington that the forgoing is true and
correct.

Signed: Steve J. Dragich Dated: 12/10/2015

Without Prejudice UCC I-308

State: Washington County: Cowlitz

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Dec 10, 2015

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